

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2059 OF 2022
A/W
INTERIM APPLICATION [L] NO.14087 OF 2022
IN
WRIT PETITION NO.2059 OF 2022

Dinesh Bhabootmal Salecha]
and others.] Petitioners

Vs.

Union of India and others.] Respondents

Mr. Prakash Shah a/w Mr. Jas Sanghavi i/b PDS Legal, for
Petitioners.

Mr. J.B. Mishra, for Respondents.

**CORAM : K.R. SHRIRAM AND
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 13th JUNE, 2022.

P.C.

1. Mr. Shah, for petitioners states that the Department has decided the application of petitioners as recorded in paragraph 5 of the order dated 4th May, 2022. Mr. Shah further states that the petitioners have filed an appeal before the Customs Excise and Service Tax Appeal Tribunal (CESTAT) challenging the order dated 23rd May, 2022. Mr. Shah, therefore, seeks leave to withdraw this petition with liberty to pursue appeal filed before CESTAT and

CESTAT to consider it in accordance with law and on it's own merits. Mr. Shah tenders an affidavit of one Dinesh Bhabootmal Salecha affirmed on 3rd June, 2022.

2. Mr. Mishra states that he has no objection Court granting leave to withdraw the petition to enable the petitioners to pursue the appeal before CESTAT but since this affidavit has been served upon respondents, respondents have also prepared an affidavit in response thereof. Mr. Mishra requests that said affidavit be taken on record for completion.

3. Registry to take on file an affidavit dated 3rd June, 2022 of Dinesh Bhabootmal Salecha and affidavit of Dr. Sandeep Gunjal affirmed on 9th June, 2022.

4. Petition dismissed as withdrawn with liberty as prayed for.

5. Interim Application also disposed accordingly.

6. We further clarify that we have not expressed any opinion on merits of the matter.

7. *Status-quo* to be continued upto and including 22nd June, 2022.

[PRITHVIRAJ K. CHAVAN, J.]

[K.R. SHRIRAM, J.]